

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0366

HOUSE JUDICIARY ENGROSSED NO. **HB 1079** 1/21/2009

Introduced by: The Committee on Judiciary at the request of the Office of the Attorney General

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the sex offender
2 registry.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-24B-2 be amended to read as follows:

5 22-24B-2. Any person who has been convicted for commission of a sex crime, as defined
6 in § 22-24B-1, shall register as a sex offender. The term, convicted, includes a verdict or plea
7 of guilty, a plea of nolo contendere, and a suspended imposition of sentence which has not been
8 discharged pursuant to § 23A-27-14 prior to July 1, 1995. Any juvenile fifteen years or older
9 shall register as a sex offender if that juvenile has been adjudicated of a sex crime as defined in
10 § 22-22-7.2, 22-24B-1(1), or 22-24B-1(9), or of an out-of-state or federal offense that is
11 comparable to the elements of these three sex crimes or any crime committed in another state
12 if the state also requires a juvenile adjudicated of that crime to register as a sex offender in that
13 state. The term, adjudicated, includes a court's finding of delinquency, an admission, and a
14 suspended adjudication of delinquency which has not been discharged pursuant to § 26-8C-4



1 prior to July 1, 2009. The sex offender shall register within five days of coming into any county
2 to reside, apply for or receive a South Dakota driver license, register a motor vehicle, establish
3 a postal address, register to vote, temporarily domicile, attend school, attend postsecondary
4 education classes, or work. Registration shall be with the chief of police of the municipality in
5 which the sex offender resides, applies for or receives a South Dakota driver license, registers
6 a motor vehicle, establishes a postal address, registers to vote, domiciles, attends school, attends
7 classes, or works, or, if no chief of police exists, then with the sheriff of the county. A violation
8 of this section is a Class 6 felony. Any person whose sentence is discharged under § 23A-27-14
9 after July 1, 1995, shall forward a certified copy of such formal discharge by certified mail to
10 the Division of Criminal Investigation and to local law enforcement where the person is then
11 registered under this section. Upon receipt of such notice, the person shall be removed from the
12 sex offender registry open to public inspection and shall be relieved of further registration
13 requirements under this section. Any juvenile whose suspended adjudication is discharged under
14 § 26-8C-4 after July 1, 2009, shall forward a certified copy of the formal discharge by certified
15 mail to the Division of Criminal Investigation and to local law enforcement where the juvenile
16 is then registered under this section. Upon receipt of the notice, the juvenile shall be removed
17 from the sex offender registry open to public inspection and shall be relieved of further
18 registration requirements under this section.